

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, APRIL 13, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of April 6, 2015, reported having done so, found same correct.

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of March 2015 to Richard Scholl, Heavy Equipment Mechanic for the Street Maintenance division of Public Works & Utilities department. Richard was nominated by Jim Chiles, Superintendent of Fleet Services, in the categories of Customer Relations and Productivity. Mayor Beutler stated that Richard has worked with the Street Maintenance Fleet Services division since 1999. He was nominated due to his admirable performance and his consistent willingness to accept any challenge. He also is the back up Supervisor for the fleet services garage and when needed assists with scheduling, inspects pre-season snow removal equipment, service, installation, and testing, while also managing daily shop operations.

Jim Chiles, Superintendent of Fleet Services, said that Richard has a great work ethic, is willing to help with anything, and understands the fundamentals of what is involved with the fleet service operations. Mr. Chiles congratulated Richard and shared his appreciation.

Roger Figard, City Engineer, Public Works & Utilities, came forward on behalf of Miki Esposito. He said that this is a clear example of a dedicated employee. Mr. Figard congratulated Richard and thanked him for his services.

Richard Scholl, came forward and shared that he works with a good group of individuals. He shared that it makes a big difference when everyone is able to get along and work well together as a whole and get things accomplished. Richard thanked everyone for his award.

**PUBLIC HEARING**

APPLICATION OF THE BAR AT THE YARD, LLC DBA LONGWELL'S FOR AN UPGRADE FROM A CLASS I TO CLASS C LIQUOR LICENSE AT 350 CANOPY STREET, #100;

MANAGER APPLICATION OF ERIC F. MARSH FOR THE BAR AT THE YARD, LLC DBA LONGWELL'S AT 350 CANOPY STREET, #100 - Gregory A. Greder, Attorney, Greder Law Office, 819 O St., came forward to take the oath. He stated that Eric F. Marsh was unable to attend today's hearing, but Kevin Drought will be speaking on his behalf.

Kevin Drought, Operating partner of Longwells, 7544 Brummond Dr., came forward to take the oath and answer questions. He shared that they just celebrated their one-year anniversary down at the Railyard. Their guests/customers have enjoyed their foods and spirits. Mr. Drought stated that he has had many requests on carry out from their selection of beer and is needing to upgrade their existing license to accommodate those requests.

Council Member Camp asked how this could affect the student housing that is located near Longwells.

Mr. Drought stated that they have security staff and bar staff that aids in the regulation of underage consumption. He also said Investigator Conan Shaffer from the police department is available to them when needed.

Council Member Camp inquired about a violation that occurred on June 21, 2014.

Mr. Drought acknowledged the violation and said that he actually reported the individuals. He shared that it was during the World Cup Soccer event. He stated that there were two individuals that has been out in the sun all day watching the match and were consuming alcohol. Mr. Drought stated that between the beer that was consumed and the weather, he thought possibly heat stroke might have set in which provoked him to call for an ambulance.

This matter was taken under advisement.

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APPLICATION OF LINCOLN FALAFEL, LLC DBA AMSTERDAM FALAFEL & KABOB FOR A CLASS I LIQUOR LICENSE AT 808 R STREET, SUITE 201;

MANAGER APPLICATION OF BENNETT J. AMDOR FOR LINCOLN FALAFEL, LLC DBA AMSTERDAM FALAFEL & KABOB AT 808 R STREET, SUITE 201 - Sean Kelley, Attorney, Kelley & Jerram PC, 7134 Pacific St., Omaha, came forward to take the oath and answer questions. He said that this is a falafel & kabob concept that is approximately 1,800 sq. ft. and is submitting an application for a class I liquor license. Mr. Kelley also stated that one location already exists in the Omaha-Dundee area.

Bennett Amdor, Manager Amsterdam Falafel & Kabob, 730 S. 11<sup>th</sup> St., Apt. A1, came forward to take the oath and answer questions. He shared that they have been in the Dundee area for 8 years and are now wanting to expand their European style street food concept and business in Lincoln.

This matter was taken under advisement.

APPLICATION OF STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 110 WEST FLETCHER AVENUE, #3;

MANAGER APPLICATION OF STEVE L. OVERTON FOR STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE AT 110 WEST FLETCHER AVENUE, #3 - Wesley A. Goranson, Attorney, Harding & Shultz, 121 S. 13<sup>th</sup> St., Suite #800, came forward to take the oath and answer questions. He stated that this liquor application is for the former location of the Highlander Bar & Grill. The vision for Steve O's lounge is a karaoke bar which Mr. Overton has past experience in managing. He also completed the required manager training on April 9<sup>th</sup>.

Council Member Roy Christensen asked for Mr. Overton to address and explain his background and criminal history.

Steve Overton, Manager of Steve O's Lounge, 1241 N. 56<sup>th</sup> St., came forward to take the oath and answer questions. He stated that in the past he made mistakes and bad decisions, but in the last 10 years he has tried to get everything straightened out and back to normal so he can conduct business here in Lincoln.

Council Member Roy Christensen asked if he has had a previous liquor license.

Mr. Overton answered yes and that there were no violations under that license. Discussion followed.

This matter was taken under advisement.

APPLICATION OF JARHEAD LINCOLN, INC. DBA TEXAS T-BONE FOR A CLASS C LIQUOR LICENSE AT 200 NORTH 70<sup>TH</sup> STREET;

MANAGER APPLICATION OF ANTHONY B. CHAMNESS FOR JARHEAD LINCOLN, INC. DBA TEXAS T-BONE AT 200 NORTH 70<sup>TH</sup> STREET - Anthony B. Chamness, owner of Texas T-Bone, 110 College Park Rd. #92, came forward to take the oath and answer questions. He said he's owned and operated a Texas T-Bone in Grand Island for 20 years and is now taking the opportunity to expand here in Lincoln. Discussion followed.

Council Member Roy Christensen asked if there are any plans for renovation.

Mr. Chamness stated that he has already remodeled the interior space and will be doing maintenance on the exterior part of the building.

This matter was taken under advisement.

APPLICATION OF SMOKEM DANO, INC. DBA HICKORY ROAD BBQ & CATERING CO. FOR A CLASS I LIQUOR LICENSE AT 5555 SOUTH 48<sup>TH</sup> STREET, SUITE C;

MANAGER APPLICATION OF RACHELLE R. EMSHOFF FOR SMOKEM DANO, INC. DBA HICKORY ROAD BBQ & CATERING CO. AT 5555 SOUTH 48<sup>TH</sup> STREET, SUITE C - Rachelle Emshoff, owner of Hickory Road BBQ & Catering Co., 1203 14<sup>th</sup> St., Auburn, came forward to take the oath and answer questions. She said she's owned and operated a restaurant in Auburn for 19 years and is now expanding in Lincoln. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SCHOLL REECE, LLC DBA BORN IN A BARN FOR A CLASS I LIQUOR LICENSE AT 815 O STREET, SUITE 2;

MANAGER APPLICATION OF ALLISON A. PANCOST FOR SCHOLL REECE, LLC DBA BORN IN A BARN AT 815 O STREET, SUITE 2 - Jessie Reece, Co-owner of Born in a Barn, 2560 N. 9<sup>th</sup>, Laramie, WY., came forward to take the oath and answer questions. He stated they have owned and operated in Laramie, WY., for two years and now have an opportunity to expand and decided that Lincoln was the right location.

Allison Pancost, Manager of Born in a Barn, 2603 Washington St., came forward to take the oath and answer questions. She said that their menu will have burgers, wings, and beer and they will be getting their meats and breads locally. She shared that the owners and herself are from Nebraska and agreed that Lincoln was a good fit.

This matter was taken under advisement.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE SOUTH 56<sup>TH</sup> STREET, SHADOW PINES TO OLD CHENEY ROAD PROJECT. CITY PROJECT NO. 701923. STATE PROJECT NO. LCLC-5241(5), CN 13141 -

Kris Humphrey, Public Works & Utilities Engineering Services, came forward to state this is a service agreement to start construction on the S. 56<sup>th</sup> St., Shadow Pines to Old Cheney Road project. The contract amount is \$458,602.68 which 80% is federal funds and 20% is local match. She said construction start date is Mon. April 20<sup>th</sup>.

Council Member Camp asked for Ms. Humphrey to recap on the construction schedule.

Ms. Humphrey addressed Council Member Camp's question and stated expected construction end date will be in June 2016. Discussion followed.

Council Member Camp requested for Roger Figard to clarify questions regarding federal funds.

Roger Figard, City Engineer, Public Works & Utilities, came forward and explained how the City decides to use either the Surface Transportation Plan Funds or local funds on preventative, new construction, repair, and rehabilitation on City streets.

This matter was taken under advisement.

**APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT) BETWEEN THE CITY OF LINCOLN AND NE-UNL HOLDINGS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE WEST HALF OF BLOCK 70, BOUNDED BY SOUTH 8<sup>TH</sup> AND SOUTH 9<sup>TH</sup> STREETS, M TO N STREETS, AND THE ADJACENT RIGHTS OF WAY IN DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-69, 15R-70);**

**AMENDING THE FY 2014/15 CIP TO AUTHORIZE AND APPROPRIATE \$2,600,000.00 IN TIF FUNDS FOR THE COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT. (RELATED ITEMS: 15R-69, 15R-70)** - David Landis, Director of Urban Development, came forward to state that he has a letter for council written from the Lincoln Haymarket Development Corporation. They are in support of the redevelopment agreement and the amendment to the CIP, with NE-UNL Holdings LLC, for the redevelopment of the south Haymarket area. Mr. Landis shared that this project has its own plan for a portion of their parking, but cannot meet all of its parking needs. Mr. Landis said that the parking spaces the city would have to rent is inadequate to the redeveloper and its lender. This agreement will benefit this project, the other users in the Haymarket crowded area, and the south Haymarket development area. The resources that are generated from this will be spent for public improvements and public enhancements. Discussion followed.

Council Member Camp requested for Wayne B. Mixdorf, from Republic Parking to come up and speak on the current parking facilities, the capacities, and future parking issues.

Wayne B. Mixdorf, CAPP, Republic Parking, came forward and stated there is a large portion of the current garages that are considered functionally full from 9:00 a.m. until after 4:30 p.m. Mr. Mixdorf also shared that there is a waiting list for the existing parking garages and that the additional parking in this project will help with the immediate demand for parking and future parking needs. Discussion followed.

Travis Vencel, Trinitas Development, 201 E Main St., Lafayette, Indiana, came forward in support of this project. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward in support. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward in opposition. She shared comments on the use of TIF funds.

This matter was taken under advisement.

**Council Chair Emery acknowledge Boy Scout Troop 22.**

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

**CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON MARCH 30, 2015** - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

### **PETITIONS & COMMUNICATIONS**

**SETTING THE HEARING DATE OF MONDAY, APRIL 27, 2015 AT 5:30 P.M. ON THE APPLICATION OF JANELLI SANCHEZ DBA CIELITO LINDO AT 100 N 1<sup>ST</sup> ST, SUITE 1, TO ADD CATERING TO HER EXISTING CLASS I LIQUOR LICENSE** - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

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A-88844 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 27, 2015, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Janelli Sanchez Vargas dba Cielito Lindo at 100 N. 1<sup>st</sup> St., Suite 1 to add Catering to her existing Class I Liquor License.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**REFERRED TO THE PLANNING DEPT:**

Special Permit No. 15019, to allow an expansion of the licensed premises for the sale of alcohol for consumption on the premises, on property generally located at 321 Victory Lane.

Change of Zone No. 15011, from AG Agricultural to AGR Agricultural Residential District, on property generally located at 9400 South 56th Street.

Special Permit No. 15021, to allow the Trinity Oaks Community Unit Plan for 17 dwelling units, including requests to waive the maximum lot area, allow double frontage lot, maximum block length, sanitary sewer to run opposite street grades, to not require grading of streets in the urban reserve component, setbacks, and lot width to depth ratio, on property generally located at 9400 South 56th Street.

Special Permit No. 15018, permitting a Dwelling for Members of a Religious Order accommodating up to six persons, on property generally located at 6225 South 44th Street.

Text Amendment No. 15003, amending section 27.63.090 of the Lincoln Municipal Code relating to provide that the number of members residing in dwellings for members of a religious order may be increased up to 100% when the dwelling is located within 600 feet from the boundary of a school, church, or early childhood care facility served by the members; and amending Table 27.72.010(c) "Exceptions to the Minimum Lot Requirements in the AG and AGR Districts" in Section 27.72.010(c) to allow dwellings for members of a religious order in the AG district on a minimum lot area of five acres.

Special Permit No. 15020, to allow for the conversion of the existing structure, and addition of a second structure, into dwellings for up to 30 members of a religious order on property generally located at 5600 S. Coddington Avenue.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 15010 to Pre-Existing Special Permit #28C, Union College, approved by the Acting Planning Director on March 31, 2015, requested by Erin Carey, to add nine new signs as part of an overall sign package/plan for Union College, on property generally located at S. 48<sup>th</sup> Street and Prescott Street.

Administrative Amendment No. 15017 to Use Permit #05003, Vintage Heights Retail Center, approved by the Acting Planning Director on April 6, 2015, requested by REGA Engineering, to reduce the front yard setback from 50' to 20' adjacent to both South 84<sup>th</sup> Street and Old Cheney Road, and to revise notes accordingly, on property generally located at S. 84<sup>th</sup> Street and Old Cheney Road.

Administrative Amendment No. 15018 to Change of Zone #05068D, The Woodlands at Yankee Hill PUD, approved by the Acting Planning Director on April 6, 2015, requested by REGA Engineering, to revise Note #16 to clarify that it only applies to the commercial center at the northwest corner of the development, and to revise notes accordingly, on property generally located at S. 70<sup>th</sup> Street and Yankee Hill Road.

**LIQUOR RESOLUTIONS**

**APPLICATION OF THE BAR AT THE YARD, LLC DBA LONGWELL'S FOR AN UPGRADE FROM A CLASS I TO CLASS C LIQUOR LICENSE AT 350 CANOPY STREET, #100 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:**

A-88845 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of The Bar at the Yard, LLC dba Longwell's for an upgrade from a Class I to Class C liquor license at 350 Canopy Street, #100, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**MANAGER APPLICATION OF ERIC F. MARSH FOR THE BAR AT THE YARD, LLC DBA LONGWELL'S AT 350 CANOPY STREET, #100 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:**

A-88846 WHEREAS, The Bar at the Yard, LLC dba Longwell's located at 350 Canopy Street, #100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Eric F. Marsh be named manager;

WHEREAS, Eric F. Marsh appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Eric F. Marsh be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF LINCOLN FALAFEL, LLC DBA AMSTERDAM FALAFEL & KABOB FOR A CLASS I LIQUOR LICENSE AT 808 R STREET, SUITE 201 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88847 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Falafel, LLC dba Amsterdam Falafel & Kabob for a Class "I" liquor license at 808 R Street, Suite 201, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF BENNETT J. AMDOR FOR LINCOLN FALAFEL, LLC DBA AMSTERDAM FALAFEL & KABOB AT 808 R STREET, SUITE 201 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88848 WHEREAS, Lincoln Falafel, LLC dba Amsterdam Falafel & Kabob located at 808 R Street, Suite 201, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Bennett J. Amdor be named manager;

WHEREAS, Bennett J. Amdor appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Bennett J. Amdor be approved as manager of this business for said license. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 110 WEST FLETCHER AVENUE, #3 - CLERK read the following resolution, introduced by Roy Christensen, who moved its approval for adoption:

A-88849 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Steve O's Lounge, LLC dba Steve O's Lounge for a Class "C" liquor license at 110 West Fletcher Avenue, #3, Lincoln, Nebraska, for the license period ending October 31, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

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4. The premises must comply in every respect with all city and state regulations.  
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF STEVE L. OVERTON FOR STEVE O'S LOUNGE, LLC DBA STEVE O'S LOUNGE AT 110 WEST FLETCHER AVENUE, #3 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-88850 WHEREAS, Steve O's Lounge, LLC dba Steve O's Lounge located at 110 West Fletcher Avenue, #3, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Steve L. Overton be named manager;

WHEREAS, Steve L. Overton appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Steve L. Overton be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF JARHEAD LINCOLN, INC. DBA TEXAS T-BONE FOR A CLASS C LIQUOR LICENSE AT 200 NORTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88851 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Jarhead Lincoln, Inc. dba Texas T-Bone for a Class "C" liquor license at 200 North 70<sup>th</sup> Street, Lincoln, Nebraska, for the license period ending October 31, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF ANTHENY B. CHAMNESS FOR JARHEAD LINCOLN, INC. DBA TEXAS T-BONE AT 200 NORTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88852 WHEREAS, Jarhead Lincoln, Inc. dba Texas T-Bone located at 200 North 70<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Anthony B. Chamness be named manager;

WHEREAS, Antheny B. Chamness appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Antheny B. Chamness be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF SMOKEM DANO, INC. DBA HICKORY ROAD BBQ & CATERING CO. FOR A CLASS I LIQUOR LICENSE AT 5555 SOUTH 48<sup>TH</sup> STREET, SUITE C - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88853 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Smokem Dano, Inc. dba Hickory Road BBQ & Catering Co. for a Class "I" liquor license at 5555 South 48<sup>th</sup> Street, Suite C, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
  2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
  3. The premises must comply in every respect with all city and state regulations.
- The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF RACHELLE R. EMSHOFF FOR SMOKEM DANO, INC. DBA HICKORY ROAD BBQ & CATERING CO. AT 5555 SOUTH 48<sup>TH</sup> STREET, SUITE C - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88854 WHEREAS, Smokem Dano, Inc. dba Hickory Road BBQ & Catering Co. located at 5555 South 48<sup>th</sup> Street, Suite C, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Rachelle R. Emshoff be named manager;

WHEREAS, Rachelle R. Emshoff appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Rachelle R. Emshoff be approved as manager of this business for said license. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF SCHOLL REECE, LLC DBA BORN IN A BARN FOR A CLASS I LIQUOR LICENSE AT 815 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88855 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Scholl Reece, LLC dba Born in a Barn for a Class "I" liquor license at 815 O Street, Suite 2, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF ALLISON A. PANCOST FOR SCHOLL REECE, LLC DBA BORN IN A BARN AT 815 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88856 WHEREAS, Scholl Reece, LLC dba Born in a Barn located at 815 O Street, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Allison A. Pancost be named manager;

WHEREAS, Allison A. Pancost appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Allison A. Pancost be approved as manager of this business for said license. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

### **PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16-31, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88857 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the claims listed in the attached report, marked as Exhibit "A", dated April 1, 2015, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>
Jesse & Thompson Herman	NAS*	Shana Anderson \$ 2,500.00
Henry Nowakowski	\$110.44	Sonika Hamdan 4,109.73
		Brett Smith 28,425.00
		Terry Dunn 799.86
		Justin Dunn 6,315.41
		Floyd Coleman 2,000.00

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.  
Introduced by Leirion Gaylor Baird  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE SOUTH 56TH STREET, SHADOW PINES TO OLD CHENEY ROAD PROJECT. CITY PROJECT NO. 701923. STATE PROJECT NO. LCLC-5241(5), CN 13141 - CLERK read a resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88858 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Surface Transportation Program Funds for construction engineering services for the South 56<sup>th</sup> Street, Shadow Pines Drive to Old Cheney Road project, City Project No. 701923, State Project No. LCLC-5241(5), CN 13141, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.  
The City Clerk is directed to return the executed copies of the Agreement to Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.  
Introduced by Leirion Gaylor Baird  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT) BETWEEN THE CITY OF LINCOLN AND NE-UNL HOLDINGS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE WEST HALF OF BLOCK 70, BOUNDED BY SOUTH 8TH AND SOUTH 9TH STREETS, M TO N STREETS, AND THE ADJACENT RIGHTS OF WAY IN DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-69, 15R-70) - PRIOR to reading:

CHRISTENSEN Moved MTA #1 to amend Bill No. 15R-69 as follows:  
1. On page 1, lines 3 and 13, after the name “NE-UNL Holdings, LLC”, insert the words “doing business as NEUNL Holdings, LLC,”  
2. In the City of Lincoln, Nebraska Redevelopment Agreement (Collegiate Housing Redevelopment Subproject) attached to Bill No. 15R-69 as Attachment A revise all applicable references to “NE-UNL Holdings LLC” to read:  
NE-UNL Holdings LLC, a Delaware limited liability company, authorized to transact business in the State of Nebraska as NEUNL Holdings LLC,  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Emery, Fellers, Gaylor Baird; NAYS: None.

CLERK Read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:  
A-88859 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached City of Lincoln Redevelopment Agreement for (Collegiate Housing Redevelopment Subproject), between the City of Lincoln, Nebraska and NE-UNL Holdings, LLC relating to the redevelopment of private property generally located on the west half of Block 70, bounded by South 8<sup>th</sup> and South 9<sup>th</sup> Streets, M to N Streets, and the support thereof through the provision of additional public on-street and off-street parking and the construction of public street-scape improvements in the South



Haymarket Area of downtown Lincoln, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original and one copy of said Agreement to Hallie Salem, Urban Development Department. Hallie Salem is further directed to transmit the original Agreement to NE-UNL Holdings, LLC.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

AMENDING THE FY 2014/15 CIP TO AUTHORIZE AND APPROPRIATE \$2,600,000.00 IN TIF FUNDS FOR THE COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT. (RELATED ITEMS: 15R-69, 15R-70) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88860 A Resolution (1) amending the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2014 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-88504 as Schedule 5 to establish the Phase I Collegiate Housing Redevelopment Subproject of the South Haymarket Redevelopment Project (an approved project in the Lincoln Center Redevelopment Plan) to provide additional public on and off street parking, and construct street-scape improvements associated with said Subproject as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$2,600,000.00 from TIF funds for said capital improvement project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the implementation of the Lincoln Center Redevelopment Plan, Phase I Collegiate Housing Redevelopment Subproject of the South Haymarket Redevelopment Project to provide additional public on and off street parking and construct street-scape improvements associated with said Subproject, is hereby established and added to the Urban Development Department's list of fiscal year 2014-15 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-88504 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$2,600,000.00 from Tax Increment Financing for this Collegiate Housing Redevelopment Subproject.

Introduced by Leirion Gaylor Baird

Seconded by Fellers & carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: Camp.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required) - NONE.**

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

ACCEPTING AND APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC TO LEASE ADDITIONAL SPACE AT THE CURRENT 27<sup>TH</sup> AND CORNHUSKER HIGHWAY WIC CLINIC AND EXTEND THE TERM OF THE LEASE AGREEMENT UNTIL OCTOBER 31, 2018 - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving an Amendment to the Lease Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and Enterprise Company, Inc. to lease additional space at the current 27<sup>th</sup> and Cornhusker Highway WIC Clinic and extend the term of the lease agreement until October 31, 2018, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20179**, is recorded in Ordinance Book #29.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; Q STREET FROM 7TH TO CANOPY STREETS AND CANOPY STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; AND ON 8TH STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH AUGUST 29, 2015 - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets; P Street from 7th to 8th Streets; Q Street from

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7th to Canopy Streets; and under the Canopy along Canopy Street from P to Q Streets; from May 2, 2015 through October 10, 2015, and on 8th Street from P to Q Street from May 2, 2015 through August 29, 2015, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20180**, is recorded in Ordinance Book #29.

COMP. PLAN CONFORMANCE 15003 - DECLARING APPROXIMATELY 6,668 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, declaring approximately 6,668 square feet of City owned property generally located at North 12<sup>th</sup> Street and Y Street as surplus, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20181**, is recorded in Ordinance Book #29.

CHANGE OF ZONE 15006 - APPLICATION OF 1100 Y, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-8 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20182**, is recorded in Ordinance Book #29.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1100 Y, LLC AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 12TH STREET BETWEEN Y AND CHARLESTON STREETS. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, approving a Real Estate Sales Agreement between the City of Lincoln and 1100 Y, LLC authorizing the sale of City owned property generally located on the east side of North 12<sup>th</sup> Street between Y and Charleston Streets, Lincoln, Nebraska, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20813**, is recorded in Ordinance Book #29.

ANNEXATION 15003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59.72 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) - CLERK read an ordinance, introduced by Trent Fellers, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20814**, is recorded in Ordinance Book #29.

CHANGE OF ZONE 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL, FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK, AND FROM O-3 OFFICE PARK TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20185**, is recorded in Ordinance Book #29.

USE PERMIT 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A USE PERMIT TO ALLOW AN OFFICE PARK HAVING APPROXIMATELY 225,000 SQ. FT. OF OFFICE FLOOR AREA THAT COULD ALTERNATELY BE DEVELOPED AS A 150-UNIT APARTMENT COMPLEX, WITH A WAIVER TO SETBACKS, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH AND VAN DORN STREETS. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) (ACTION DATE: 4/13/15) - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88861 WHEREAS, FT Development II, Inc. has submitted an application designated as Use Permit No. 15005 to allow an office park having approximately 225,000 square feet of office floor area that could alternately be developed as a 150-unit apartment complex, with a waiver to setbacks, on property generally located at South 84th Street and Van Dorn Street, and legally described as:

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M.; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S89°49'29"E, A DISTANCE OF 100.07' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 53.39' TO THE NORTHWEST CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 53.39' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 344.69' TO A POINT; THENCE N89°01'26"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO A POINT 50.00' SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°49'29"E, ON A NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 708.52' TO A POINT; THENCE S00°10'31"W, A DISTANCE OF 21.62' TO A POINT; THENCE S30°00'00"E, A DISTANCE OF 380.76' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°36'31", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.20', AND A CHORD BEARING OF S54°51'26"W TO A POINT; THENCE S51°03'10"W, A DISTANCE OF 94.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'59", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.83', A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF S75°12'10"W, A POINT; THENCE N83°16'49"W, A DISTANCE OF 80.22', TO THE NORTHEAST CORNER OF OUTLOT "A", FIRETHORN 24<sup>TH</sup> ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", FIRETHORN 17<sup>TH</sup> ADDITION; THENCE N89°36'34"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 958.83' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84<sup>TH</sup> STREET, SAID POINT BEING 50.00' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 19.06' TO A POINT; THENCE N00°48'13"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.85' TO A POINT; THENCE N07°01'42"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 118.11' TO A POINT 65.18' EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N00°23'26"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 65.18' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 200.13' TO A POINT; THENCE N45°17'53"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.70' TO THE POINT OF

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BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 780,822.29 SQUARE FEET OR 17.93 ACRES, MORE OR LESS.

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of FT Development II, Inc., hereinafter referred to as "Permittee", to allow an office park having approximately 225,000 square feet of office floor area that could alternately be developed as a 150-unit apartment complex, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.27.080 and Section 27.64.010 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves approximately 225,000 sq. ft of office floor area with a waiver to internal setbacks, or 150 apartment units.
2. The City Council must approve the associated requests:
  - a. Annexation No. 15003
  - b. Change of Zone No. 15005
3. Before a final plat is approved the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including four copies with all required revisions as listed below:
  - a. Revise the site plan to include a note which states, "Front, side, and rear setbacks for Lots 1-8 are adjusted to 0'. Setbacks are designated for Outlots A and C and are shown on the site plan".
  - b. Add a note which states, "Parking shown is conceptual, but to be provided in compliance with LMC at the time of building permit".
  - c. Revise Note #10 so the second line of the note reads, "...SIGNS, LANDSCAPING, AND SCREENING SHALL COMPLY WITH THE O-3 ZONING DISTRICT AND SHALL BE SHOWN AT THE TIME OF...".
  - d. Delete the 'Parking Calculations' table.
  - e. Revise the note in the Waiver Table to state, "The front, side, and rear setbacks for Lots 1-8 are reduced to 0".
4. Before occupying the buildings all development and construction is to substantially comply with the approved plans.
5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.
6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors, and assigns.
8. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND FT DEVELOPMENT II, INC. REGARDING COST RESPONSIBILITIES FOR MUNICIPAL SERVICES ASSOCIATED WITH THE ANNEXATION, MAINTENANCE RESPONSIBILITIES, AND OTHER APPROPRIATE MATTERS RELATED TO THE DEVELOPMENT OF LAND WITHIN THE PREVIOUSLY APPROVED FIRETHORN CUP ON PROPERTY GENERALLY LOCATED AT VAN DORN STREET FROM 84TH STREET TO 91ST STREET. (ACTION DATE 4/13/15) - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88862 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment to the Firethorn Annexation Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and FT Development II, Inc. regarding cost responsibilities for municipal services associated with the annexation, maintenance

responsibilities, and other appropriate matters related to the development of land within the previously approved Firethorn CUP on property generally located at Van Dorn Street from 84<sup>th</sup> Street to 91<sup>st</sup> Street, is hereby approved and the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to the Impact Fee Administrator.

Introduced by Trent Fellers

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

AMENDING CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO REDESIGNATE THE "CITY AUDIT ADVISORY BOARD" AS THE "CITY PERFORMANCE AUDIT COMMITTEE" BY REVISING AND DELETING CURRENT DEFINITIONS; ESTABLISHING SAID COMMITTEE AND ITS MEMBERSHIP; PROVIDING FOR THE MEMBERS' TERM OF SERVICE AND CONDITIONS FOR REMOVAL FROM OFFICE; DEFINING THE DUTIES AND POWERS OF THE COMMITTEE; PROVIDING THAT THE COMMITTEE MEET REGULARLY ON AT LEAST A QUARTERLY BASIS; AND REPLACING REFERENCES TO 'BOARD' WITH 'COMMITTEE' - PRIOR to reading:

FELLERS            Moved MTA #1 to amend Bill No. 15-53 in the following manner:

1. On page 6, line 13, delete the words "a performance" and insert in lieu thereof the word "an".

2. On Page 6, line 17, delete the word "performance".

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK            Read an ordinance, introduced by Trent Fellers, amending Chapter 4.66 of the Lincoln Municipal Code to redesignate the "City Audit Advisory Board" as the "City Performance Audit Committee" by amending Section 4.66.020 to revise and delete current definitions; amending Section 4.66.030 to establish said Committee and its membership; adding a new section numbered 4.66.035 to provide for the members' term of service and conditions for removal from office; amending Section 4.66.040 to define the duties and powers of the Committee; amending Section 4.66.050 to provide that the Committee meet regularly on at least a quarterly basis; amending Section 4.66.070 to simplify conflict of interest language; amending Sections 4.66.060, 4.66.090, 4.66.100, 4.66.110, and 4.66.120 to replace references to 'Board' with 'Committee'; and repealing Sections 4.66.020, 4.66.030, 4.66.040, 4.66.050, 4.66.060, 4.66.070, 4.66.090, 4.66.100, 4.66.110, and 4.66.120 of the Lincoln Municipal Code as hitherto existing, the third time.

FELLERS            Moved to pass the ordinance as amended.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20186**, is recorded in Ordinance Book #29.

### **RESOLUTIONS - 1<sup>ST</sup> READING**

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE 70TH STREET, VAN DORN TO EASTBOROUGH PROJECT. CITY PROJECT NO. 540028. STATE PROJECT NO. LCLC-5247(13), CN 13243.

### **ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

VACATION 14010 - VACATING THE EAST/WEST ALLEY BETWEEN O STREET AND N STREET FROM THE WEST LINE OF 23<sup>RD</sup> STREET TO THE EAST LINE OF THE ANTELOPE CREEK CHANNEL - CLERK read an ordinance, introduced by Jon A. Camp, vacating the east-west alley between O Street and N Street from the west line of 23<sup>rd</sup> Street west to the east line of Outlot F, Antelope Valley 2<sup>nd</sup> Addition, generally located southwest of the intersection of South 23<sup>rd</sup> Street and O Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

TEXT AMENDMENT 15002 - AMENDING SECTION 27.63.200 OF THE LINCOLN MUNICIPAL CODE RELATING TO CLUBS TO DELETE THE SETBACK REQUIREMENT; AND REPEALING SECTION 27.63.200 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon A. Camp, amending Section 27.63.200 the Lincoln Municipal Code relating to Clubs to delete the requirement that clubs be set back from all yard lines a distance of not less than one foot for each one foot of building height; and repealing Section 27.63.200 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 15008 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH

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84<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 15-57, 15R-71) - CLERK read an ordinance, introduced by Jon A. Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 140E - APPLICATION OF EIGER CORPORATION TO EXPAND THE BOUNDARY OF THE EXISTING USE PERMIT BY APPROXIMATELY 17 ACRES TO ALLOW AN AUTOMATED CAR WASH AND AN APPROXIMATELY 210,000 SQUARE FOOT FREE-STANDING SUPER STORE, ON PROPERTY GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 15-57, 15R-71) (ACTION DATE: 4/27/15)

CHANGE OF ZONE 15007 - APPLICATION OF M&W HOLDINGS FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND INDIGO ROAD - CLERK read the following ordinance, introduced by Jon A. Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS, GENERAL RULES AND REGULATIONS, BY AMENDING SECTION 12.08.070, UNLAWFUL TO BE IN PARK AFTER HOURS, TO SPECIFY THAT A VIOLATION OF THAT SECTION SHALL BE AN INFRACTION; AND AMENDING SECTION 12.08.340 TO SPECIFY THAT A VIOLATION OF ANY PROVISION OF TITLE 12 OR ANY RULE OR REGULATION ADOPTED PURSUANT TITLE 12 SHALL BE A MISDEMEANOR, UNLESS OTHERWISE SPECIFICALLY PROVIDED - CLERK read the following ordinance, introduced by Jon A. Camp, amending Chapter 12.08 of the Lincoln Municipal Code relating to Parks, General Rules and Regulations, by amending Section 12.08.070, Unlawful to be in Park After Hours, to specify that a violation of that section shall be an infraction; amending Section 12.08.340 to specify that a penalty for violation of any provision of Title 12 or any rule or regulation adopted pursuant Title 12 shall be a misdemeanor, unless otherwise specifically provided; and repealing Sections 12.08.070 and 12.08.340 of the Lincoln Municipal Code as hitherto existing, the first time.

**OPEN MICROPHONE**

Jane Svaboda, no address given, came forward with comments on various issues.  
This matter was taken under advisement.

John Austin, no address given, came forward to state that there is a ditch on the west side of N. 27<sup>th</sup> Street that needs to be looked at, addressed, and maintained. Mr. Austin also stated that he had fallen into this ditch and that a city bus driver came to his aid.  
This matter was taken under advisement.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward to share her concerns regarding the use of TIF funds. She suggested to have the information involving the use of TIF to be more transparent and available to the public.  
This matter was taken under advisement.

**ADJOURNMENT**

**4:58 P.M.**

CHRISTENSEN Moved to adjourn the City Council Meeting of April 13, 2015.

Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers; Gaylor Baird; NAYS None.

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Teresa J. Meier

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